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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,795	07/10/2001	Robert M. Ketterer	4670-2/US	9325

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,795

Applicant(s)

KETTERER, ROBERT M.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The provisional application 60/217097 filed 10 July 2000 does not support the limitation "verifying the sale of said listed properties with federal, state and/or local registers".

The priority date for this application will be 10 July 2001, filing date of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broerman US Patent 6,594,633 in view of Weatherly et al. US Patent 6,049,784 hereinafter known as Weatherly.

Regarding claim 1, Broerman teaches system and method to facilitate a real estate transaction between a buyer and a seller by electronically communicating between the parties and third parties such as a real estate facilitating entities (e.g., lawyer, mortgage provider, title provider) over a network, such as or including the Internet [abstract]. Broerman teaches:

receiving on a host computer property listings from remote personal computers via the internet; said property listings including descriptive indicia, price, digital photographs and/or streaming video, all relating to each property for sale [Fig. 7 and disclosure associated with Fig. 7];

storing said property listings in a searchable database on said host computer (obvious because Broerman teaches allowing users to search for property [Fig. 8 and disclosure associated with Fig. 8];

allowing prospective buyers to search for and display on their remote personal computers any or all of said property listings via the internet [Fig. 8 and disclosure associated with Fig. 8];

Broerman does not teach receiving on said host computer from said remote personal computers information and authorizations necessary to procure credit histories of said prospective buyers. However, Broerman teaches providing access to third party

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service providers [abstract]. However, Weatherly teaches "Once a relationship is formed, a landlord (seller) with a prospective tenant (buyer), the tenant will also provide the financial institution with the required information to perform a credit check and other financial information as necessary, including employer and income information" [Weatherly col. 4, lines 21 – 33].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Broerman as taught by Weatherly to ensure that the potential buyer is eligible to complete the purchase of real estate.

Broerman in view of Weatherly teaches:

receiving on said host computer said credit histories of said prospective buyers from remote computers of outside credit information providers via the internet [Weatherly col. 4, lines 34 – 65];

transmitting said credit history from said host computer to said remote personal computers of said sellers via the internet or alternatively allowing said remote personal computers to access said information on said host computer (obvious that when an requesting entity requests credit history on another entity, the credit bureau transmits the credit history of that entity to the requesting entity, for example, mortgage lenders downloading credit history of a loan applicant);

permitting said prospective buyers and said sellers to schedule showing dates (schedule associated events (e.g., showings)) [abstract] and times on said host computer via the internet (For example, a text or graphical calendar may be presented for times available and/or not available to the other party) [col. 12, lines 54 – 56];

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permitting said prospective buyers and said sellers to negotiate the terms of sale of the listed properties through said host computer via the internet (to negotiate via an electronic purchase contract) [abstract];

receiving on said host computer from said remote personal computer of said prospective buyers and said sellers data for the completion of all required real estate sales documentation [Fig. 9 and disclosure associated with Fig. 9];

preparing and transmitting to said prospective buyers and said sellers all required real estate sales documentation for signature (design choice to elect whether to user electronic signature, or, hand signed signature) [col. 6, lines 34 – 40, Fig. 6 and disclosure associated with Fig. 6];

verifying the sale of said listed properties with federal, state and/or local registries (design choice to decide where to acquire the sale information, for example a user can get information for county land records, form local MLS etc., electronic exchange of desired information is known to one of ordinary skill in the art, for example use of EDI, MLS like MRIS in Washington DC metropolitan area extracts land records for assisting real estate agents add listing to MRIS database) [sale verification, Fig. 1 and disclosure associated with Fig. 1].

providing for payment of host computer usage fees via the internet from buyers and sellers who have consummated a sale (business choice to elect whether to charge fee for rendering services, or, give it for free to the users) [Fig. 11 and disclosure associated with Fig. 11].

Regarding claim 2, Broerman teaches system and method for a remote self-service real estate brokerage system on the internet. Broerman teaches system and method to facilitate a real estate transaction between a buyer and a seller by electronically communicating between the parties and third parties such as a real estate facilitating entities (e.g., lawyer, mortgage provider, title provider) over a network, such as or including the Internet [abstract]. Broerman teaches:

means for allowing sellers of real estate to provide property listing information on a central host computer via the internet [Fig. 7 and disclosure associated with Fig. 7].

means for allowing prospective buyers of real estate to access and retrieve said property listing information via the internet [Fig. 8 and disclosure associated with Fig. 8].

Broerman does not teach means for allowing said central host computer to obtain credit history data pertaining to said prospective buyers from remote credit information servers and communicating said credit history data to said sellers all via the internet; However, Broerman teaches providing access to third party service providers over the internet [abstract]. However, Weatherly teaches "Once a relationship is formed, a landlord (seller) with a prospective tenant (buyer), the tenant will also provide the financial institution with the required information to perform a credit check and other financial information as necessary, including employer and income information" [Weatherly col. 4, lines 21 – 33].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Broerman as taught by Weatherly to to automate

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the credit history checking, and ensuring that the potential buyer is eligible to complete the purchase of real estate.

Broerman in view of Weatherly teaches:

means for permitting said sellers and said prospective buyers to schedule showings (schedule associated events (e.g., showings)) [abstract] of said real estate and to negotiate the terms of sale of said real estate (to negotiate via an electronic purchase contract) [abstract] all via the internet (Broerman provides access to users over internet);

(schedule associated events (e.g., showings)) [abstract] and times on said host computer via the internet (For example, a text or graphical calendar may be presented for times available and/or not available to the other party) [col. 12, lines

means for providing said sellers and said prospective buyers via the internet all documentation necessary to consummate the sale of said real estate [Fig. 9 and disclosure associated with Fig. 9];

means for verifying with federal, state and/or local registries via the internet the sale of said real estate (design choice to decide where to acquire the sale information, for example a user can get information for county land records, form local MLS etc., electronic exchange of desired information is known to one of ordinary skill in the art, for example use of EDI, MLS like MRIS in Washington DC metropolitan area extracts land records for assisting real estate agents add listing to MRIS database) [sale verification, Fig. 1 and disclosure associated with Fig. 1].

means for paying the operator of said central host computer via the internet for use of the subject self-service real estate brokerage system (business choice to elect whether to charge fee for rendering services, or, give it for free to the users) [Fig. 11 and disclosure associated with Fig. 11].

Regarding claim 3, as responded to earlier in response to claims 1 and 2, Broerman teaches a remote system and method for self-service real estate brokerage system on the internet. Broerman teaches system and method to facilitate a real estate transaction between a buyer and a seller by electronically communicating between the parties and third parties such as a real estate facilitating entities (e.g., lawyer, mortgage provider, title provider) over a network, such as or including the Internet [abstract].

Broerman teaches:

a host system [Fig. 1 and disclosure associated with Fig. 1];

a plurality of remote data terminals and processors [Fig. 1 and disclosure associated with Fig. 1];

processing means within said host system including a central processing unit and associated memory means [Fig. 2 and disclosure associated with Fig. 2]

data transmission means providing a signal path for data exchange between said host system and said plurality of data terminals and processors [Fig. 1 – 2 and disclosure associated with Fig. 1 – 2]

communications means associated with said host system, said communications means being controlled by said processing means to provide and receive data

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transmissions between said host system and said remote terminals [Fig. 1 – 2 and disclosure associated with Fig. 1 – 2]

data storage means within said host system, said data storage means maintaining a plurality of data records and files of different types including property records, seller records, buyer records, prospective sales records and sales records [Fig. 1 – 2 and disclosure associated with Fig. 1 – 2]

means for allowing said central host computer to obtain credit history data pertaining to said prospective buyers from remote credit information servers and communicating said credit history data to said sellers all via the internet [Fig. 1 – 2 and disclosure associated with Fig. 1 – 2];

means for permitting said sellers and said prospective buyers to schedule showings of said real estate and to negotiate the terms of sale of said real estate all via the internet [Fig. 1 – 2, 9 and disclosure associated with Fig. 1 – 2, 9]

means for providing said sellers and said prospective buyers via the internet all documentation necessary to consummate the sale of said real estate [Fig. 1 – 2, 6 and disclosure associated with Fig. 1 – 2, 6];

means for verifying with federal, state and/or local registries via the internet the sale of said real estate [Fig. 1 – 2 and disclosure associated with Fig. 1 – 2]

means for paying the operator of said central host computer via the internet for use of the subject self-service real estate brokerage system [Fig. 1 – 2, 11 and disclosure associated with Fig. 1 – 2, 11].

Conclusion

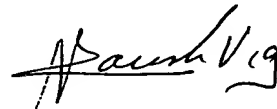
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Information on FSBO.com

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Patent Examiner
March 20, 2005